

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No.15416/2024

Managing Committee Dalmia Vidya Mandir

-----Petitioner

Versus

Mrs. Vrishti Singh W/o Shri Himmat Singh & Others

-----Respondents

For Petitioner(s)	:	Mr. N.K. Maloo, Senior Advocate assisted by Mr. Ajit Maloo
For Respondent(s)	:	Mr. Sanjay Rahar

JUSTICE ANOOP KUMAR DHAND
Order

10/10/2024

1. The matter comes up on the stay application.
2. Learned Senior Counsel for the petitioner submits that while allowing the appeal filed by the respondent No.1 under Section 19 (2) of the Rajasthan Non-Government Education Institutions Act, 1989 (hereinafter referred to as "the Act of 1989"), the Rajasthan Non-Government Educational Institution Tribunal, Jaipur (hereinafter referred to as "the Tribunal") passed an order directing the petitioner to pay three months salary to the respondent No.1 within a period of one month from the date of passing of the order and in case, the petitioner fails to pay the same within the above stipulated time, then the respondent No.1 is required to be reinstated back in service.
3. Learned Senior Counsel submits that on account of miscommunication, the order could not be complied with within the above stipulated time. The petitioner was supposed to make the payment of three months salary to the respondent No.1 on or before 03.05.2024 but the payment was sent to the respondent No.1 later through a cheque drawn in favour of the respondent

No.1 on 14.05.2024 but the respondent No.1 refused to accept the same and filed the execution proceedings against the petitioner wherein directions have been issued to comply with the order passed by the Tribunal on 01.10.2024. Learned counsel submits that looking to the controversy involved in this writ petition, it requires hearing and consideration.

4. *Per contra*, learned counsel for the respondent No.1 opposed the arguments and submitted that when the order passed by the Tribunal was not complied with by the petitioner within the above stipulated time, no other option was available with the respondent No.1 except to file execution proceedings and the Executing Court is rightly proceeding against the petitioner. Learned counsel submits that even the respondent No.1 has also filed a writ petition before this Court being S.B. Civil Writ Petition No.8936/2024 against the self-same impugned order dated 25.08.2022 passed by the Tribunal.

5. The matter requires consideration.

6. In the considered opinion of this Court and looking to the controversy involved in this writ petition, so also looking to the fact that both the petitioner and the respondent No.1 are not satisfied with the order passed by the Tribunal, let this case be listed for final disposal on 11.11.2024 at 02.00 PM along-with S.B. Civil Writ Petition No.8936/2024, preferred by the respondent No.1

7. Till next date, the Executing Court is restrained to proceed against the petitioner, pursuant to the order dated 25.08.2022.

(ANOOP KUMAR DHAND),J